

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KYLE GIANIS,

Defendant.

NO. CR04-334RSM

(PROPOSED)

STIPULATION RE: DRUG EVIDENCE

I. INTRODUCTION

The United States of America, by and through Jeffrey C. Sullivan, United States Attorney, and Vincent T. Lombardi, Assistant United States Attorney, and Defendant Kyle Gianis, by and through Peter Camiel, his attorney, hereby stipulate that the following is true and correct, in lieu of witness testimony:

Drug Exhibits

1. Drug Enforcement Administration ("DEA") Drug Exhibit 1 was acquired at the Pacific Highway Port of Entry in Blaine, Washington, on March 12, 2004, from a vehicle registered to David Youngberg and driven by Adam Tsoukalas. Drug Exhibit 1 was packaged in two large blue plastic barrels, which in turn contained two clear plastic bags. The barrels were covered by a black plastic garbage bag.

2. Drug Exhibit 1 was sent to the DEA Western Laboratory for chemical

1 analysis. Exhibits 19 is a photograph of the Drug Exhibit at the lab before processing.

2 The parties stipulate that Exhibit 19 is admissible.

3 3. Keith T. Chan, a well-qualified and experienced DEA Forensic Chemist at
4 the DEA Laboratory, conducted a set of standardized chemical tests on the exhibits, and
5 determined it tested positive for the presence of a listed chemical, specifically ephedrine
6 hydrochloride. The exhibit weighed 50.04 kilograms, not including the weight of the
7 packaging.

8 4. Pursuant to government policy, the bulk of DEA Exhibit 1 was destroyed,
9 except for a threshold amount which was preserved for evidentiary purposes. This
10 threshold amount is marked as Trial Exhibit 18, which the parties stipulate is admissible.

11 5. The parties agree that no further testimony regarding the chemical analysis
12 of Drug Exhibit 1/Trial Exhibit 18 is necessary on these matters.

13 **Admissibility of Stipulation**

14 6. The parties agree that this Stipulation shall be read to the jury and admitted
15 into evidence, and provided to the jury as an Exhibit.

16 DATED this _____ day of May, 2008.

17 Respectfully submitted,
18 JEFFREY C. SULLIVAN
19 United States Attorney

20 _____
21 Vincent T. Lombardi
22 Assistant United States Attorney

23 _____
24 Peter Camiel
25 Attorney for Defendant Kyle Gianis

26 _____
27 Kyle Gianis
28 Defendant

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s). I hereby certify that I have served the attorney(s) of record for the defendant(s) that are non CM/ECF participants via telefax.

s/ Stephanie J. Orona
STEPHANIE J. ORONA
Legal Assistant
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
Phone: 206-553-4228
Fax: 206-553-0755
E-mail: Stephanie.Orona@usdoj.gov